

AO 120 (Rev. 3/04)

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Delaware on the following ☒ Patents or ☐ Trademarks:

<b>DOCKET NO.</b> 08-338 JJF	<b>DATE FILED</b> 6/10/2008	<b>U.S. DISTRICT COURT</b> DISTRICT OF DELAWARE
<b>PLAINTIFF</b>  Lannett Company Inc.		<b>DEFENDANT</b>  KV Pharmaceuticals, DrugTech Corporation, and Ther-RX Corporation
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>
1 US 5,516,925	May 14, 1996	Albion International, Inc.
2 US 6,716,814 B2	April 6, 2004	Albion International, Inc.
3		
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

<b>DATE INCLUDED</b>	<b>INCLUDED BY</b> <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>	
1			
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In the above—entitled case, the following decision has been rendered or judgement issued:

<b>DECISION/JUDGEMENT</b>
See Stipulation of Dismissal regarding Patent Nos. US 5,516,925 and US 6,716,814 B2

<b>CLERK</b> PETER T. DALLEO, CLERK OF COUR	<b>(BY) DEPUTY CLERK</b> <i>Nicou M. Selinger</i>	<b>DATE</b> 9/4/2008
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Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

LANNETT COMPANY INC.,	:	
	:	
<i>Plaintiff,</i>	:	C. A. No. 08-338-JJF
v.	:	
KV PHARMACEUTICALS,	:	
DRUGTECH CORPORATION, and	:	
THER-RX CORPORATION,	:	
	:	
<i>Defendants.</i>	:	
	:	
	:	
KV PHARMACEUTICAL COMPANY,	:	
THER-RX CORP., and DRUGTECH CORP.,	:	
<i>Counterclaim-Plaintiffs,</i>	:	
v.	:	
LANNETT COMPANY, INC.,	:	
<i>Counterclaim-Defendant.</i>	:	

**STIPULATION**

Plaintiff/Counterclaim-Defendant, Lannett Company, Inc. ("Lannett"), and Defendants/Counterclaim-Plaintiffs, KV Pharmaceutical Company, Ther-Rx Corp. and Drugtech Corp., by and through their respective undersigned attorneys, hereby stipulate and agree that Lannett's claim for a declaratory judgment with respect to U.S. Patent 5,516,925 ("the '925 patent") and U.S. Patent 6,716,814 ("the '814 patent") shall be and hereby is dismissed without prejudice. Accordingly, the Amended Complaint is hereby amended, without prejudice, as follows: (1) Paragraphs 6, 23 and 24 of Lannett's Amended Complaint are deleted in their entirety; (2) Paragraphs 12, 13, 14, 15, 26, and 27 of Lannett's Amended Complaint, and Paragraph A of the Prayer for Relief therein, are amended only so far as to delete any reference to the '925 patent and the '814 patent.

WHEREFORE, in light of the above, the parties respectfully request that this Honorable Court approve the above Stipulation.

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Dated: August 25, 2008

Dated: August 25, 2008

**IT IS SO ORDERED** this \_\_\_\_ day of August, 2008.

\_\_\_\_\_  
United States District Court Judge